

ARABLE LAND

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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.¹ Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dek mura*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

¹ During the period of invasion and occupation of Sudan country there were periods when the Nuer lived in cattle-ranges of concentrated farms, a circle of huts or chieftain, and did so for several years at a time. The ranges were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.